

REMARKS

Claims 1-21, 23-26, and 28-42 remain pending in the present application. Claims 1, 11, 21, 26, 31, and 37 have been amended.

SUBSTANCE OF INTERVIEW

Applicant thanks Examiner Lindlof for the courtesies extended to Applicant's undersigned representative in the telephonic interview conducted on **September 4, 2008**, and provides this timely Statement. During the interview, the § 101 rejection was discussed. Agreement has been reached with regard to the allowability of claims 1-20 and 31-42 by amending the claims to explicitly recite a hardware device.

CLAIM OBJECTIONS

Claims 28-30 have been objected to because the language "machine-readable medium" lacks antecedent basis. Claims 28-30 have been amended to "machine-readable memory," which matches the language of claim 26. Withdrawal of the objections is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-20 and 31-42 currently stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Independent claims 1, 2, 11, 31, 32 and 37 have been amendment to recite "a hardware processor." A hardware processor is not software per se, thus, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON LLP

Dated: September 15, 2008

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